

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

BRADLEY TALMADGE  
LIVINGSTON,

Plaintiff,

v.

MERLYN WILLIAMS,

Defendant.

Civil Action No.

24-1056 (CCC) (LDW)

**ORDER**

**THIS MATTER** having come before the Court by way of *pro se* plaintiff's April 9, 2024 letter request for leave to serve the summons and complaint on defendant by mail (ECF No. 10); and

**WHEREAS** personal service is the primary method of effectuating service of process in New Jersey. N.J. Ct. R. 4:4-4(a). However, New Jersey law authorizes substituted service "as provided by court order, consistent with due process of law," N.J. Ct. R. 4:4-4(b)(3), "[i]f it appears by affidavit . . . that despite diligent effort and inquiry personal service cannot be made." N.J. Ct. R. 4:4-4(b)(1); and

**WHEREAS** plaintiff states that he "paid ABC Legal Services on 4/8/24 to also serve defendant . . . starting 4/15/24." (ECF No. 10). As efforts to effectuate personal service are ongoing and have not been exhausted, substitute service is not warranted at this time; therefore,

**IT IS** on this day, April 10, 2024, **ORDERED** that plaintiff's application for substitute service (ECF No. 10) is **DENIED WITHOUT PREJUDICE**; and it is further

**ORDERED** that the Clerk of Court is directed to serve a copy of this Order on *pro se* plaintiff by U.S. Mail.

*s/ Leda Dunn Wettre*  
Hon. Leda Dunn Wettre  
United States Magistrate Judge